

**DIVISION 14.7. FLAMMABLE
AND COMBUSTIBLE LIQUIDS**

(Amended Ch. 825, Stats. 1977. Effective January 1, 1978.)

Article 1. Administration

(Added Ch. 1106, Stats. 1967. Effective November 8, 1967.)

Legislative Intent

34000. It is the intent of the Legislature to provide additional protection to the public and reduce the risk of possible hazards in the highway transportation of hazardous waste and of flammable and combustible liquids in tank vehicles. It is further the intent of the Legislature that the Department of the California Highway Patrol shall place as a high priority the random inspection of cargo tanks and hazardous waste transport vehicles and containers for compliance with this code.

(Amended Sec. 28, Ch. 539, Stats. 1996. Effective January 1, 1997.)

Application of Division

34001. The provisions of this division refer to vehicles having a cargo tank and to hazardous waste transport vehicles and containers, as defined in Section 25167.4 of the Health and Safety Code, that are operating on highways within this state.

(Amended Sec. 28, Ch. 945, Stats. 1997. Effective January 1, 1998.)

Uniform Regulation

34002. (a) It is the legislative intention that the regulations adopted by the commissioner pursuant to this division shall apply uniformly throughout the State of California, and no state agency, city, city and county, county, or other political subdivision of this state, including, but not limited to, a chartered city, city and county, or county, shall adopt or enforce any ordinance or regulation which is inconsistent with this division.

(b) No other state agency, city, city and county, county, or other public agency of this state, including, but not limited to, a chartered city, city and county, or county, shall enforce any provisions regarding the design and construction of any cargo tank subject to this division, regardless of the location of the cargo tank, or the area of operation of the cargo tank, within this state.

(Amended Ch. 661, Stats. 1983. Effective January 1, 1984.)

Definitions

34003. As used in this division:

(a) "Cargo tank" means any tank having a volumetric capacity in excess of 120 gallons that is used for the transportation of flammable liquids or combustible liquids. "Cargo tank" includes pumps, meters, valves, fittings, piping, and other appurtenances attached to a tank vehicle and used in connection with the flammable liquids or combustible liquids being transported in the cargo tank except that the volumetric capacity refers to the capacity of the container portion of a cargo tank.

"Cargo tank" does not include any of the following:

(1) Any tank used only to carry fuel necessary for the operation of the vehicle or any equipment of the vehicle.

(2) Any tank containing not more than 120 gallons of residue. For purposes of this paragraph, residue means the liquid material remaining after a tank has been unloaded to the maximum extent practicable through the normal discharge opening.

(3) Any intermodal portable tank, meeting United States Department of Transportation IM 101 or IM 102 Specification transported as part of an interstate shipment when operated within a 25-mile radius of its ocean port

or railroad terminal loading or unloading facility.

(4) Any tank meeting the requirements of Title 49 of the Code of Federal Regulations, with a volumetric capacity of less than 500 gallons used to transport flammable or combustible liquids, except a portable tank used to transport an inhalation hazard as defined in subdivision (a) of Section 32101.

(5) Any tank designated by the United States Department of Transportation as a “single trip container” or “nonreusable container,” marked and used as such, with a volumetric capacity of less than 500 gallons.

(6) Any vehicle that is registered in any other state and is used for refueling aircraft while operating in this state pursuant to a contract with this state or the United States for the conduct of fire suppression or other emergency-related activities.

(b) “Tank vehicle” means any truck, trailer, or semitrailer equipped with a cargo tank which is used for the transportation of flammable liquids or combustible liquids within this state.

(c) “Flammable liquids” and “combustible liquids” mean those liquids as defined by the regulations adopted by the commissioner pursuant to Section 2402.7.

Amended Ch. 1243, Stats. 1992. Effective September 30, 1992.

Application

34004. The provisions of this division shall apply equally to new as well as existing cargo tanks.

Repealed and added, Ch. 1106, Stats. 1967. Effective November 8, 1967.

Trap Wagon and Spray Rig

34005. The provisions of this division shall not apply to a trap wagon or spray rig when empty or when transporting not more than 1,000 gallons of flammable liquids or combustible liquids to accomplish the basic function of such vehicle. For the purpose of this section, “trap wagon” and “spray rig” have the same meaning of those terms as defined in Section 36005.

Amended Ch. 825, Stats. 1977. Effective January 1, 1978.

Exemption: Wine

34006. The provisions of this division shall not apply to “wine,” as defined by Section 23007 of the Business and Professions Code, or any other aqueous solution, having an alcoholic content less than, or equal to, 24 percent by volume. This exemption applies only if the nonalcohol portion of the aqueous solution does not fall within the definition of flammable or combustible liquid.

Added Ch. 868, Stats. 1978. Effective January 1, 1979.

Article 2. Regulations

(Added Ch. 1106, Stats. 1967. Effective November 8, 1967.)

Cargo Tanks, Fire Auxiliary Equipment, and Tank Vehicle Regulations

34019. (a) The commissioner shall adopt reasonable regulations with respect to the following:

(1) The design, construction, and structural safety of cargo tanks and fire auxiliary equipment.

(2) To the extent permitted by federal law, the stability of tank vehicles.

(b) For intrastate shipments in this state, the commissioner shall, as soon as feasible, incorporate any new United States Department of Transportation standards concerning interstate shipments.

Amended Ch. 1043, Stats. 1991. Effective January 1, 1992.

Department of Transportation: Regulations

34020.5. (a) The Department of Transportation, after consultation with

the Department of the California Highway Patrol, the State Fire Marshal, and affected local agencies, and following a public hearing subject to Section 21109.5, may regulate the time when tank vehicles may travel through a tunnel on state highways.

(b) In evaluating the use of a tunnel on a state highway, the Department of Transportation shall conduct a traffic and engineering survey which includes an analysis of the relative risks to public safety in determining the feasibility of reasonable alternative routes.

(c) For the purposes of this section, a tunnel is a horizontal passage enclosed on the sides and top containing a roadway of a length of not less than 300 feet.

(d) No prohibition or restriction adopted pursuant to this section shall be effective until appropriate signs have been posted giving notice thereof to drivers approaching the tunnel.

Added Ch. 1255, Stats. 1982. Effective January 1, 1983.

Existing Cargo Tanks

34021. The regulations adopted by the commissioner shall make reasonable allowances for cargo tanks in existence when the regulations become effective. No allowance shall, however, be made for any cargo tank which because of its design or construction constitutes a distinct hazard to life or property.

Amended Ch. 661, Stats. 1983. Effective January 1, 1984.

Standards

34022. In adopting the regulations, the commissioner shall consider, as evidence of generally accepted safety standards, the publications of the National Fire Protection Association and the United States Department of Transportation.

Amended Ch. 661, Stats. 1983. Effective January 1, 1984.

Administrative Procedure

34024. The regulations adopted by the commissioner pursuant to this division shall be adopted, amended, and repealed in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Amended Ch. 106, Stats. 1985. Effective January 1, 1986.

Article 4. Enforcement

(Added Ch. 1106, Stats. 1967. Effective November 8, 1967.)

Inspection

34060. The commissioner shall provide for the establishment, operation, and enforcement of random on- and off-highway inspections of cargo tanks and hazardous waste transport vehicles and containers. The commissioner shall also provide training in the inspection of cargo tanks and hazardous waste transport vehicles and containers to employees of the department whose primary duties include the enforcement of laws and regulations relating to commercial vehicles and who, thereafter, are required to perform random inspections of cargo tanks and hazardous waste transport vehicles and containers to determine whether or not the cargo tanks and hazardous waste transport vehicles and containers are designed, constructed, and maintained in accordance with the regulations adopted by the commissioner pursuant to this code and Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code.

Amended Sec. 31, Ch. 539, Stats. 1996. Effective January 1, 1997.

Amended Sec. 29, Ch. 945, Stats. 1997. Effective January 1, 1998.

Certificate of Inspection

34060.5. Any required pressure, vacuum, or hydrostatic testing of a cargo tank shall be performed, or be caused to be performed, by the carrier, operator, or consultant who shall certify in writing that the cargo tank meets the requirements of the United States Department of Transportation, the State Air Resources Board, and the commissioner. An authorized representative of the department may observe or require these tests. Records of these certifications shall be maintained at the carrier's place of business.

Amended Ch. 661, Stats. 1983. Effective January 1, 1984.

Cargo Tanks: Hazardous Waste Transport Vehicles and Containers: Inspection Report

34061. The department shall compile data and annually publish a report relating to the level of cargo tank and hazardous waste transport vehicle and container inspections conducted during the previous year. The data included in the report shall include, but need not be limited to, all of the following:

(a) The number of inspections conducted.

(b) The number of violations recorded.

(c) The number of on-highway incidents involving cargo tanks and hazardous waste transport vehicles and containers that were reported to the Office of Emergency Services under Section 8574.17 of the Government Code.

Repealed Sec. 32 and added Sec. 33, Ch. 539, Stats. 1996. Effective January 1, 1997.

Inspection Authority

34064. Any duly authorized employee of the department may inspect cargo tanks and hazardous waste transport vehicles and containers, or the appurtenances and equipment thereof, in terminals, yards, or similar places, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions likely to cause damage to any personal or real property or injury or death to any person or animal or any violation of the provisions or intent of this division. Any duly authorized employee of the department may enter upon private property to conduct those inspections. The owner, lessee, bailee, manager, or operator of that property shall permit any duly authorized employee of the department to enter the property and inspect cargo tanks and hazardous waste transport vehicles and containers for the purpose stated in this division.

Amended Sec. 36, Ch. 539, Stats. 1996. Effective January 1, 1997.

Article 5. Violations

(Added Ch. 1106, Stats. 1967. Effective November 8, 1967.)

Violation a Misdemeanor

34100. A violation of this division or of any regulation adopted by the commissioner pursuant to this division is a misdemeanor. No person shall operate a tank vehicle upon a highway in violation of this division or of any regulation adopted by the commissioner pursuant to this division.

Amended and renumbered (from 34102) Sec. 40, Ch. 539, Stats. 1996. Effective January 1, 1997.